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Family Name						
Given Name/s						
Student Number						
Teaching Period	Semester 2, 2017					

LWA332 – Science and Law	DURATION	
	Reading Time:	20 minutes
	Writing Time:	180 minutes
INSTRUCTIONS TO CANDIDATES		
Answer TWO of the questions in section A and ONE question from section B		
EXAM CONDITIONS		
<u>You may begin writing from the commencement of the examination session.</u> The reading time indicated above is provided as a guide only.		
This is an OPEN BOOK examination		
Any calculator is permitted		
Any handwritten material is permitted		
Any hard copy, English dictionary is permitted (annotated allowed)		
ADDITIONAL AUTHORISED MATERIALS	EXAMINATION MATERIALS TO BE SUPPLIED	
Any printed material with the exception of CDU Library books	1 x 20 Page Book 3 x Scrap Paper	

THIS EXAMINATION IS PRINTED
DOUBLE-SIDED.

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LEFT BLANK.

Section A

Problem Questions

Total No of Marks for this section 30:

This section should be answered in the Answer Booklet provided.

Marks for each question are indicated.

Suggested Time allocation for Section A: 140 mins

ANSWER ANY TWO OF THE FOLLOWING QUESTIONS:

Question 1

In a trial in 2017 in the Northern Territory, following the disappearance of a baby in circumstances where the body was not found, the Mother is accused of murder on the basis of a blood stain in the family vehicle.

An Aboriginal tracker wishes to give evidence that the baby was taken by a dingo. With reference to the EVIDENCE (NATIONAL UNIFORM LEGISLATION) ACT (NT), discuss whether the evidence of the Aboriginal tracker can be adduced and, if so, would it be admissible as expert evidence if the tracker said s/he believed in spirits?
(Marks: 15)

Question 2

In a trial for murder where the body was found zipped inside a bag, an expert wishes to give evidence that the deceased person could not have zipped themselves into the bag. With reference to the EVIDENCE (NATIONAL UNIFORM LEGISLATION) ACT (NT), discuss whether a demonstration can be given in court of a person zipping themselves into a bag or whether the expert will have to use an alternative form of demonstration.

(Marks: 15)

Question 3

X and Y are both aged 10. They are accused of killing a 2-year-old girl. Blood spatter evidence suggests the killer(s) used an iron bar to hit the child when she was in bed. Blood from the deceased child is found on the clothing of both X and Y. Each admits they were present at the scene. Each blames the other for the killing. What expert evidence would the prosecution and the defence need to obtain and to what legal issues would that evidence go in a criminal trial?

(Marks: 15)

Question 4

Greg is a scientist. He has identified that the Polio vaccine can cause sudden infant death. He is the first to make this discovery and his research has not been peer reviewed. Geraldine is on trial for manslaughter of her child. She believes her child died after receiving the Polio vaccine. You are the trial judge and you have to decide whether Greg can give evidence for the defence. With reference to the EVIDENCE (NATIONAL UNIFORM LEGISLATION) ACT (NT) give your judgment in writing.

(Marks: 15)

Section B

Essay Questions

Total Number of Marks for this section: 20

This section should be answered in the Answer Booklet provided.

Marks for each question are indicated. Suggested Time allocation for Section C: 40mins

ANSWER ONLY ONE OF THE FOLLOWING QUESTIONS:

Question 5

“Another reason why it is logically impossible to enforce a purely formal view of the law is that it is not expressed in mathematical symbols, but in language, which is often (some would say intrinsically) unclear. Law is not a logical system, and it does not have any intrinsic order” (page 161 Asking the Law Question by Margaret Davies)

With Reference to the above quote, discuss the meaning of legal science.

(Marks: 20)

Question 6

In the context of science and law, can there ever be an irresistible inference?

(Marks: 20)

Question 7

Can a murder be proved on fibre, bite mark, fingerprint or DNA evidence alone? Explain each type of evidence, whether it is admissible and demonstrate your understanding of circumstantial evidence cases.

(Marks: 20)